



PATENT
CSI 1-005CIP

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

In Re Patent Application Of:
Stanley E. Katz and Alain Martin

Group Art Unit: 1617

Serial No.: 09/846,722

Examiner: Russell S. Travers

Filed: 1 May 2001

For: Method and Composition for Treating Mammalian Nasal and Sinus Diseases Caused By Inflammatory Response

Commissioner for Patents
P.O. Box 1450
Alexandria, VA 22313-1450

AMENDMENT AND RESPONSE
PURSUANT TO 37 C.F.R. SECTION 1.115

Sir:

This Amendment and Response pursuant to 37 C.F.R. Section 1.115 is in reply to the Examiner's Action dated 23 March 2004 in the above-identified patent application in which claims 1-31 are pending, claims 19-26 are withdrawn subject to a restriction requirement, and claims 1-18 and 27-31 are rejected. A Response to the outstanding Office Action is due 23 June 2004. Accordingly, this Amendment and Response is timely filed.

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CERTIFICATE OF MAILING PURSUANT TO 37 C.F.R. SECTION 1.8

I hereby certify that this correspondence is being deposited, pursuant to 37 C.F.R. Section 1.8, with the United States Postal Service with sufficient postage as first class mail in an envelope addressed to the Commissioner for Patents, P.O. Box 1450, Alexandria, VA 22313-1450 on this 22nd of June, 2004.

By Richard R. Muccino

Richard R. Muccino

date

22 June 2004

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Attorney for Applicant(s)

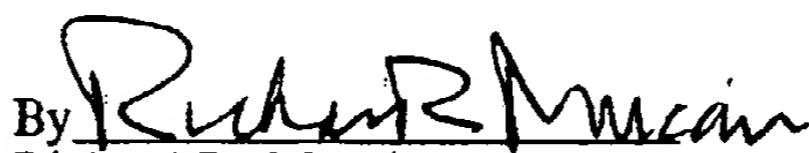
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art to expect the process used to produce the claimed product would fail does not establish obviousness. *In re Dow Chem. Co.* (CAFC 1988) 5 U.S.P.Q.2d 1529.

The provisions of Section 103 must be followed realistically to develop the factual background against which the Section 103 determination must be made. It is not proper within the framework of Section 103 to pick and choose from any one reference only so much of it as will support a given position to the exclusion of other parts necessary for the full appreciation of what such reference fairly suggest to one of ordinary skill in the art. The references of record fail to teach or suggest applicants' invention as a whole.

Applicants request the Examiner to telephone the undersigned attorney should the Examiner have any questions or comments which might be most expeditiously handled by a telephone conference. Applicants' attorney authorizes the Examiner to charge Deposit Account 13-4822 if there are any additional charges in connection with this Response.

Respectfully submitted,
Stanley E. Katz and Alain Martin

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